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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,131	08/18/2006	Fumio Kato	RR- 628 PCT/US	1391
20427	7590	03/27/2009	EXAMINER	
RODMAN RODMAN 10 STEWART PLACE SUITE 2CE WHITE PLAINS, NY 10603			HAGEMAN, MARK	
			ART UNIT	PAPER NUMBER
			3653	
			MAIL DATE	DELIVERY MODE
			03/27/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/598,131	KATO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mark Hageman	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9-1-2006, 3-12-2008</u> .                                     | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1 is objected to because of the following informalities: the language "located rotatably" is confusing. As understood by the examiner (and in light of claim 2) it seems to mean the net body is rotatable about its axis. Examiner notes however that a cylinder is located rotatably even if it is stationary in that it is located around the axis. Changing "is located rotatably" to is rotatable would clarify the claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what is meant by "respective locking parts" and what "lock function" is and how this causes rotation of the net body. The claim has been examined as best understood.

4. Claim 6 recites the limitation "said cover member" in lines 2. There is insufficient antecedent basis for this limitation in the claim. Claim 6 has been treated as dependent from claim 5 as opposed to claim 4 for examination.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,507,396 to Hauch in view of US 5,458,246 to Thom. Hauch discloses a particulate sifter (12), comprising: a casing (18) into which particulates flow; a cylindrical net body (10) located inside said casing and extending in a horizontal direction; wherein particulates that pass through said net body are separated from particulates or foreign substances that do not pass through the net body and wherein said net body is located rotatably around a central axis of the cylindrical net body (c2 lines 40+). Hauch does not disclose rotating blades located inside said net body and rotating along an inner surface of the net body such that particulates that have flowed into the net body are agitated with said rotating blades. Thom discloses a cylindrical sifter including rotating blades (145, 150) located inside said net body and rotating along an inner surface of the net body such that particulates that have flowed into the net body are agitated with said rotating blades (c1 lines 24+) in order to stir the material and aid in separating fine particles from coarser ones (c1 lines 27+).

It would have been obvious to one of ordinary skill in the art at the time of the applicants' invention to have modified Hauch to include the rotating blades, as taught by Thom, in order to stir the material and aid in separating fine particles from coarser ones.

Re claim 2 Hauch discloses the net body is supported by a supporting member (c2 lines 38+) and is rotated forcibly by means of an electric motor as a driving source (c2 lines 43+).

Re claim 3 Hauch discloses a rotating structure, including: said net body (10); a first ring member (66) which supports one of both ends of the net body located on an upstream side of a flow of the particulates; a second ring member (66 at right side) which supports another end of the net body located on a downstream side of the flow of the particulates; and multiple rods (68) which join said first ring member and said second ring member, wherein said whole rotating structure is rotatable together with said net body (c3 lines 27+).

Re claim 4 said first ring member is supported by a supporting member such that said rotating structure is supported rotatably (c2 lines 38+).

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hauch in view of Thom as applied to claims 1-4 above, and further in view of US 6,016,921 to Hauch. Hauch '396 discloses the motor is attached adjacent the second ring member (figure 1) and the drive shaft (16) protrudes through the housing but does not disclose said second ring member is provided with a frame in its inner area and a supported part located at a rotation center of the net body; said casing is provided with

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an opening used for taking the net body out of the casing and formed at a portion of the casing facing to said second ring member, a cover member used for opening and closing said opening is provided with a supporting part which engages with said supported part; and said supporting part supports the supported part rotatably such that said rotating structure is supported rotatably. Thom discloses an opening and a cover (figure 1 with motor 105 mounted thereon) to provide access to the interior and drive shaft. Hauch '921 discloses said second ring member is provided with a frame (42) in its inner area and a supported part (46) located at a rotation center of the net body to support the drum and provide for attachment to a drive shaft (c4 lines 20+).

It would have been obvious to one of ordinary skill in the art at the time of the applicants' invention to have modified Hauch to include an opening and removable cover, as taught by Thom, to provide access to the interior and drive shaft. Furthermore it would have been obvious to one of ordinary skill in the art at the time of the applicants' invention to have modified Hauch to include the specific support structure, as taught by Hauch '921, support the drum and provide for attachment to a drive shaft.

Re claim 6 said electric motor is provided on said cover member; said supporting part is realized as a driving shaft of said electric motor; said driving shaft and said frame are provided with respective locking parts; and said electric motor rotates the net body by lock function of said locking parts (see above relative to claim 5). When Hauch is modified in view of Thom to include the removable cover the limitations of the claim are met.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Hageman whose telephone number is (571) 272-3027. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick H. Mackey/  
Supervisory Patent Examiner, Art  
Unit 3653

MCH